

The following has special meaning:
green underline denotes added text
~~red struck out text denotes deleted text~~

2021 PA H 2398

Author: Oberlander
Version: Enacted - Unofficial Pamphlet Law
Version Date: 11/03/2022

Session of 2022

Act No. 2022 - 130

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL No. 2398

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in certificate of title and security interests, further providing for content and effect of certificate of title; in rules of the road in general, repealing provisions relating to platooning; in miscellaneous provisions, providing for theft of catalytic converter; in miscellaneous provisions relating to accidents and accident reports, further providing for accidents involving death or personal injury, for accidents involving damage to attended vehicle or property, for duty to give information and render aid, for accidents involving damage to unattended vehicle or property and for immediate notice of accident to police department; in equipment standards, further providing for promulgation of vehicle equipment standards; in inspection of vehicles, further providing for requirement for periodic inspection of vehicles; in size, weight and load, further providing for width of vehicles; in powers of department and local authorities, further providing for specific powers of department and local authorities; and, in highly automated vehicles, further providing for definitions, for highly automated vehicles and for Highly Automated Vehicle Advisory Committee, providing for certificate of compliance required, for powers of department, for self-certification application, for self-certification review, for operation requirements, for commercial operation, for preemption, for enforcement and penalties, for regulations and guidelines, for confidential records, for appeals and for interstate agreements; and adding provisions relating to other automated vehicles .

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definitions of "highly automated work zone vehicle" and "platoon" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding definitions to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Automated driving system" or "ADS." The hardware and software collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether limited within a specific operational design domain and whether a Level 3, 4 or 5 driving automation system under SAE J3016.

* * *

"Bodily injury." Impairment of physical condition or substantial pain.

* * *

"Certificate holder." A firm, copartnership, association, corporation or educational or research institution holding a valid certificate of compliance in accordance with Subchapter B of Chapter 85 (relating to highly automated vehicles).

* * *

"Highly automated vehicle" or "HAV." A motor vehicle equipped with an automated driving system. The term excludes a personal delivery device.

"Highly automated vehicle driver." An individual who is an authorized employee or contractor of a certificate holder and who is responsible for all or part of the dynamic driving task for a highly automated vehicle and is:

(1) on board the highly automated vehicle; or

(2) in a remote location within the United States and is capable of monitoring and controlling the highly automated vehicle.

~~"Highly automated work zone vehicle." A motor vehicle used in an active work zone, as implemented by the department or the Pennsylvania Turnpike Commission, as applicable, which is:~~

~~(1) equipped with an automated driving system; or~~

~~(2) connected by wireless communication or other technology to another vehicle allowing for coordinated or controlled movement.~~

~~* * *~~

~~"Platoon." A group of buses, military vehicles or motor carrier vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would be reasonable and prudent without the coordination. The term does not include a school bus or a school vehicle.~~

~~* * *~~

"SAE J3016." Surface Vehicle Recommended Practice Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles published by the Society of Automotive Engineers (SAE) International in April 2021 and as it existed on the effective date of this definition or such subsequent date as may be provided by the department through regulation and consistent with Subchapter B of Chapter 85.

~~* * *~~

Section 2. Section 1106(b)(10) and (11) of Title 75 are amended and the subsection is amended by adding a paragraph to read:

§ 1106. Content and effect of certificate of title.

* * *

(b) Indication of special use or condition.--No person shall assign a certificate of title to any vehicle unless the certificate clearly contains notice of the use or condition if the vehicle is or has been:

* * *

(10) bearing a VIN plate differing from its original; ~~or~~

(11) a motor vehicle returned to a vehicle dealer or manufacturer pursuant to the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law; ~~;~~ or

(12) a highly automated vehicle.

Indication of the use or condition shall be deemed part of the description of the vehicle. Any person violating this subsection commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

* * *

Section 3. Section 3317 of Title 75 is repealed:

~~§ 3317. Platooning.~~

~~(a) General rule.--The department shall be the lead Commonwealth agency on platooning.~~

~~(b) Exception.--Nonlead vehicles in a platoon shall not be subject to section 3310 (relating to following too closely).~~

~~(c) Visual identifier.--Each vehicle in a platoon must be marked with a visual identifier on the power unit. The department, after consultation with the Pennsylvania State Police and the Pennsylvania Turnpike Commission, shall establish the criteria and placement of the visual identifier under subsection (e).~~

~~(d) Restrictions.--A platoon shall observe the following restrictions:~~

~~(1) A maximum of three vehicles shall be in a platoon.~~

~~(2) Vehicles in a platoon shall travel only on limited access highways or interstate highways, unless otherwise permitted by the department or the Pennsylvania Turnpike Commission, as applicable.~~

~~(3) The department or the Pennsylvania Turnpike Commission, as applicable under paragraph (2), may restrict vehicle movement under this section for operational or safety reasons, including, but not limited to, emergency conditions.~~

~~(4) A driver shall be in each vehicle of a platoon.~~

~~(e) Plan for general platoon operations.--A person may operate a platoon on a highway of this Commonwealth if the person files a plan for general platoon operations with the department. The department shall review the plan in consultation with the Pennsylvania State Police and the Pennsylvania Turnpike Commission, as applicable. If the plan is not rejected by the department within 30 days after receipt of the plan, the person may operate the platoon.~~

Section 3.1. Title 75 is amended by adding a section to read:

§ 3723. Theft of catalytic converter.

(a) Offense defined.--A person commits the offense of theft of a catalytic converter if the person unlawfully takes or attempts to take possession of, carries away or exercises unlawful control over a catalytic converter with intent to deprive the rightful owner of the catalytic converter.

(b) Grading.--Except as provided under subsection (c):

(1) An offense under this section constitutes a misdemeanor of the third degree if the value of the catalytic converter unlawfully obtained is less than \$50.

(2) An offense under this section constitutes a misdemeanor of the second degree if the value of the catalytic converter unlawfully obtained is \$50 or more but less than \$200.

(3) An offense under this section constitutes a misdemeanor of the first degree if the value of the catalytic converter unlawfully obtained is \$200 or more but less than \$1,000.

(4) An offense under this section constitutes a felony of the third degree if the value of the catalytic converter unlawfully obtained is \$1,000 or more.

(c) Third or subsequent offenses.--An offense under this section constitutes a felony of the third degree if the offense is a third or subsequent offense, regardless of the value of the catalytic converter. For purposes of this subsection, a first and second offense include a conviction, acceptance of or other form of preliminary disposition before the sentencing on the present violation for an offense under this section.

Section 4. Sections 3742, 3743, 3744 , 3745, 3746, 4103, 4702 and 4921 of Title 75 are amended by adding subsections to read:

§ 3742. Accidents involving death or personal injury.

* * *

(a.1) Highly automated vehicles.--If a vehicle under subsection (a) is a highly automated vehicle operating with an ADS engaged or without a highly automated vehicle driver on board, the requirements of this section are satisfied if the highly automated vehicle stops at the scene of an accident or as close thereto as is safely possible and remains at the scene until the requirements of section 3744 have been fulfilled.

* * *

§ 3743. Accidents involving damage to attended vehicle or property.

* * *

(a.1) Highly automated vehicles.--

(1) If a vehicle under subsection (a) is a highly automated vehicle operating with an ADS engaged or without a highly automated vehicle driver on board, the requirements of this section are satisfied if the highly automated vehicle stops at the scene of the accident or as close thereto as is safely possible and the certificate holder for the highly automated vehicle or a person on behalf of the certificate holder for the highly automated vehicle immediately contacts a duly authorized police department to report the accident.

(2) The highly automated vehicle shall remain at the scene of the accident or as close thereto as is safely possible until the requirements of section 3744 are fulfilled.

* * *

§ 3744. Duty to give information and render aid.

* * *

(a.1) Highly automated vehicles.--

(1) If a vehicle under subsection (a) is a highly automated vehicle operating with an ADS engaged or without a highly automated vehicle driver on board, the requirements of this section are satisfied if the certificate holder for the highly automated vehicle, a person

on behalf of the certificate holder for the highly automated vehicle or the highly automated vehicle immediately contacts a duly authorized police department to report the accident and communicates the registration and financial responsibility information for the highly automated vehicle to the police department.

(2) The highly automated vehicle shall remain at the scene of the accident or as close thereto as is safely possible until the requirements of this section are fulfilled.

* * *

§ 3745. Accidents involving damage to unattended vehicle or property.

* * *

(a.1) Highly automated vehicles.--

(1) If a vehicle under subsection (a) is a highly automated vehicle operating with an ADS engaged or without a highly automated vehicle driver on board, the requirements of this section are satisfied if the highly automated vehicle immediately stops at the scene of the accident or as close thereto as is safely possible and the certificate holder for the highly automated vehicle, a person on behalf of the certificate holder for the highly automated vehicle or the highly automated vehicle immediately contacts a duly authorized police department to report the accident and communicates the registration and financial responsibility information for the highly automated vehicle to the police department.

(2) The highly automated vehicle shall remain at the scene of the accident or as close thereto as is safely possible until the requirements of section 3744 (relating to duty to give information and render aid) are fulfilled.

* * *

§ 3746. Immediate notice of accident to police department.

* * *

(a.1) Highly automated vehicles.--If a vehicle under subsection (a) is a highly automated vehicle operating with an ADS engaged or without a highly automated vehicle driver on board, the requirements of this section are satisfied if the certificate holder for the highly automated vehicle, a person on behalf of the certificate holder for the highly automated vehicle or the highly automated vehicle immediately contacts a duly authorized police department to report the accident.

* * *

§ 4103. Promulgation of vehicle equipment standards.

* * *

(f) Highly automated vehicles.--

(1) A highly automated vehicle that is designed to operate exclusively by the ADS or a highly automated vehicle driver in a remote location for all trips is not subject to motor vehicle equipment laws or regulations of this Commonwealth that relate to or support motor vehicle operation by a driver seated in the vehicle and are not relevant for an ADS.

(2) Nothing in this subsection shall be construed to exempt an entire highly automated vehicle from the periodic inspection of vehicles under section 4702 (relating to requirement for periodic inspection of vehicles).

§ 4702. Requirement for periodic inspection of vehicles.

* * *

(c.2) Safety inspection criteria for highly automated vehicles.--The standards established by the department under subsection (a) shall apply to highly automated vehicles only in a manner consistent with the provisions of section 4103(f) (relating to promulgation of vehicle equipment standards).

* * *

§ 4921. Width of vehicles.

* * *

(e.3) Highly automated vehicles.--If a highly automated vehicle is operating on highways of this Commonwealth, a rear visibility system comprised of a set of devices or components, that together perform the function of producing the rearview image, shall be considered a mirror or a similar device to a mirror, and shall be excluded from the measurement of the width of the highly automated vehicle consistent with applicable Federal and State laws.

* * *

Section 5. Section 6109(a)(13) of Title 75 is amended to read:

§ 6109. Specific powers of department and local authorities.

(a) Enumeration of police powers.--The provisions of this title shall not be deemed to prevent the department on State-designated highways and local authorities on streets or highways within their physical boundaries from the reasonable exercise of their police powers. The following are presumed to be reasonable exercises of police power:

* * *

(13) Prohibiting or regulating the use of designated streets by any class or kind of traffic, provided that a prohibition or regulation of a local authority may not be specific to or discriminate against a highly automated vehicle.

* * *

Section 6. Section 8501 of Title 75 is amended by adding definitions to read:

§ 8501. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Certificate of compliance." A certificate authorizing the operation of a highly automated vehicle in accordance with Subch. B (relating to highly automated vehicles).

"DDT fallback." A response by a highly automated vehicle driver or ADS to either perform a DDT or achieve a minimal-risk condition after occurrence of a DDT performance-relevant system failure or upon an operational design domain exit.

"Dynamic driving task" or "DDT." Real-time operational and tactical functions required to operate a motor vehicle on a highway, excluding strategic functions such as trip scheduling and selection of destinations and waypoints, and including, without limitation:

- (1) Lateral vehicle motion control via steering.
- (2) Longitudinal motion control via acceleration and deceleration.
- (3) Monitoring the driving environment via object and event detection, recognition, classification and response preparation.
- (4) Object and event response execution.
- (5) Maneuver planning.
- (6) Enhancing conspicuity via lighting, signaling and gesturing.

"Highly automated work zone vehicle." A motor vehicle used in an active work zone as implemented by the department or the Pennsylvania Turnpike Commission, as applicable, for purposes related to the active work zone that is:

- (1) equipped with an automated driving system; or
- (2) connected by wireless communication or other technology to another vehicle allowing for coordinated or controlled movement.

"Minimal risk condition." A stable, stopped condition to which an individual, a highly automated vehicle driver or ADS may bring a highly automated vehicle after performing a DDT fallback in order to reduce the risk of a crash when a given trip cannot or should not be continued.

"Operational design domain" or "ODD." Operating conditions under which a given ADS is specifically designed to function, including, but not limited to, environmental, geographical and time-of-day restrictions and the requisite presence or absence of certain traffic or highway characteristics.

"Platoon." A group of buses, military vehicles or motor carrier vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would be reasonable and prudent without the coordination. The term does not include a school bus or a school vehicle.

Section 7. Section 8502 of Title 75 is amended to read:

§ 8502. Highly automated vehicles.

~~(a) General rule.--The department shall be the lead Commonwealth agency on highly automated vehicles.~~

~~(b) Highly automated work zone vehicles.--The department or the Pennsylvania Turnpike Commission, as applicable, shall authorize the locations in Pennsylvania on a periodic basis to implement the deployment of a highly automated work zone vehicle. A driver may be required in a highly automated work zone vehicle when used in an active work zone.~~

Section 8. Section 8503(b) and (h) of Title 75 are amended and the section is amended by adding a subsection to read:

§ 8503. Highly Automated Vehicle Advisory Committee.

* * *

(b) Composition.--The advisory committee shall consist of the following members:

- (1) The secretary, who shall serve as the chairperson of the advisory committee.
- (2) The Secretary of Community and Economic Development.
- (3) The Insurance Commissioner.
- (4) The Secretary of Labor and Industry.
- (5) The Commissioner of Pennsylvania State Police.
- (6) The Chief Executive Officer of the Pennsylvania Turnpike Commission.

(6.1) The chairperson of the Pennsylvania Public Utility Commission.

- (7) The chairperson and minority chairperson of the Transportation Committee of the Senate.
- (8) The chairperson and minority chairperson of the Transportation Committee of the House of Representatives.

(9) The following members to be appointed by the Governor:

(i) One member representing a transit authority located in this Commonwealth.

(ii) One member representing ~~a transportation~~, an educational or research institution located in this Commonwealth engaged in developing highly automated vehicles.

(iii) One member representing a technology company engaged in developing highly automated vehicles.

(iv) One member representing a vehicle manufacturer engaged in developing highly automated vehicles.

(v) One member representing bicyclists, pedestrians or motorcyclists in this Commonwealth.

(vi) One member representing drivers or consumers in this Commonwealth.

(vii) One member representing a municipality of this Commonwealth.

(viii) One member representing platoon operations.

(ix) One member representing an insurance company, association or exchange who is authorized to transact the business of motor vehicle insurance in this Commonwealth.

(x) Two members representing different labor organizations in this Commonwealth.

(xi) One member representing Pennsylvanians with disabilities.

(xii) One member representing a company engaged in the development of highly automated motor carrier vehicles.

* * *

(h) Powers.--The advisory committee shall have the power to advise and consult the secretary on each aspect of highly automated vehicles and platooning in this Commonwealth and may undertake any of the following:

(1) Developing technical guidance.

(2) Evaluating best practices.

(3) Reviewing existing laws, regulations and ~~policies~~ guidelines.

(4) Engaging in continued research and evaluation of connected and automated systems technology necessary to ensure safe testing, deployment and continued innovation in this Commonwealth.

(5) Evaluating accidents, based on summaries prepared by the department, if the certificate holder or highly automated vehicle driver was determined to be at fault.

(6) Evaluating workforce impacts, based on summaries prepared by the department in consultation with the Department of Labor and Industry, and how the Federal Government and the Commonwealth are supporting the workforce as a result of automation.

* * *

(j) Special reports.--Beginning as soon as practicable, but no later than 18 months after the effective date of this subsection, the advisory committee shall submit an annual report that evaluates the impact of highly automated vehicles authorized by this chapter on this Commonwealth. The report shall be submitted to the chairperson and minority chairperson of the Transportation Committee of the Senate and the chairperson and minority chairperson of the Transportation Committee of the House of Representatives and posted on the department's publicly accessible Internet website. The report shall evaluate the following with respect to highly automated vehicles authorized by this chapter:

- (1) Benefits and implications to this Commonwealth's workforce.
- (2) Economic benefits and implications to this Commonwealth.
- (3) Improvements to accessibility and mobility for persons with disabilities.
- (4) Improvements to mobility options for the general public.
- (5) Suggested changes to the laws of this Commonwealth.

Section 9. Title 75 is amended by adding sections to read:

§ 8504. Certificate of compliance required.

(a) Prohibition.--Except as provided in subsection (b), no person may operate on a highway in this Commonwealth a highly automated vehicle, unless:

(1) the firm, copartnership, association, corporation or educational or research institution is a certificate holder or is a highly automated vehicle driver approved by a certificate holder to operate a highly automated vehicle on behalf of the certificate holder; and

(2) the highly automated vehicle is operated in accordance with this title.

(b) Applicability.--Subsection (a) shall not apply to:

(1) A highly automated work zone vehicle operated in accordance with section 8531 (relating to highly automated work zone vehicles).

(2) A platoon operated in accordance with section 8532 (relating to platooning).

(3) A highly automated vehicle registered in another state operating in this Commonwealth under an interstate agreement in accordance with section 8510.5 (relating to interstate agreements).

§ 8505. Powers of department.

(a) General powers.--To ensure the safety of motorists and the general public, except as permitted under section 8509 (relating to commercial operation), the department has sole regulatory authority over the operation of highly automated vehicles on highways within this Commonwealth consistent with this title and Federal law or regulation.

(b) Specific powers and duties.--Except as provided for in subsection (c), the department has the following specific powers and duties:

(1) By order of the secretary, to prohibit the use of a highly automated vehicle on a highway where the secretary determines that the operation of the highly automated vehicle would constitute a hazard.

(2) To require a certificate holder to self-report to the department an accident in this Commonwealth involving the certificate holder's highly automated vehicle if the accident resulted in bodily injury, serious bodily injury, death or damage to property. The department shall establish the time frame in which to self-report an accident to the department, provided that the time frame is no less than six hours from the occurrence of the accident.

(3) To display on the department's publicly accessible Internet website, the following:

(i) A list of certificate holders, including:

(A) Location information where the highly automated vehicle is expected to operate.

(B) The name and contact information for accident claims, including the registered agent for service of process.

(ii) Orders issued by the secretary under paragraph (1).

(iii) Policies, regulations or guidelines issued by the department under this subchapter.

(4) By order of the secretary, to collect the following information on a periodic basis:

(i) The process an emergency service responder should follow when a highly automated vehicle without a highly automated vehicle driver on board is disabled or involved in an accident.

(ii) If applicable, the highly automated vehicle driver information, including name, driver's license number, state or country issued and a summary of any training received to operate the highly automated vehicle.

(iii) A description of whether the highly automated vehicle will transport passengers or goods. If the highly automated vehicle will not be transporting passengers or goods, a description of the service or function being provided by the highly automated vehicle.

(iv) Location information, including a list of municipalities where the highly automated vehicle is expected to operate.

(5) To establish policies, regulations or guidelines reasonably necessary to implement this subchapter.

(c) Restriction.--Notwithstanding subsection (b), the department is prohibited from establishing a policy, regulation or guideline under this subchapter that:

(1) requires a highly automated vehicle driver to obtain another additional license, approval or similar authorization, other than the appropriate driver's license and endorsement, according to the type and class of motor vehicle equipped with an automated driving system that the highly automated vehicle driver operates;

(2) is inconsistent with Federal law, regulation or guidance relating to highly automated vehicles;

(3) prohibits or restricts a highly automated vehicle driver from operating a certificate holder's highly automated vehicle to control all or part of the DDT unless the highly automated vehicle driver has been convicted of one or more moving violations within the past 365 days; or

(4) prohibits or restricts a certificate holder's highly automated vehicle from operating without a highly automated vehicle driver in a manner that is inconsistent with the provisions of section 8508(b) and (e) (relating to operation requirements) and section 8510.1(b) (relating to enforcement and penalties).

§ 8506. Self-certification.

(a) Form.--A self-certification for a certificate of compliance shall be submitted on a form and in a manner determined by the department. The form shall be consistent with this subchapter and may not impose any additional requirements upon the operation of a highly automated vehicle that are inconsistent with this title or Federal law or regulation.

(b) Contents of form.--A self-certification form submitted to the department under subsection (a) shall include the following:

(1) The name, address and contact information of the applicant, including a principal point-of-contact for the applicant's accident claims and registered agent for service of process.

(2) Vehicle identification information, proof of current registration and any other information ordered by the secretary.

(3) Proof of insurance as required under section 8508(f) (relating to operation requirements).

(4) A safety management plan that describes the safety elements in the development and management of the highly automated vehicle, including the safety elements of the highly automated vehicle's operational design domain, ADS and, if applicable, the highly automated vehicle driver.

(5) Nonproprietary documentation submitted to the National Highway Traffic Safety Administration for the highly automated vehicle and ADS, including any exemptions received from the National Highway Traffic Safety Administration.

(6) Consent to the following:

(i) The highly automated vehicle shall operate in compliance with this title and Federal law or regulation.

(ii) The jurisdiction of courts of this Commonwealth for actions arising out of or resulting from any accident involving the highly automated vehicle in this Commonwealth.

(7) Any information or records deemed reasonably necessary to aid the department's review of the submitted application and for the administration and enforcement of and ongoing compliance with this title.

§ 8507. Self-certification review.

(a) Review and issuance.--The department shall review a self-certification form submitted under section 8506 (relating to self-certification). If a self-certification form is not rejected by the department within 30 days of the date of receipt by the department, the self-certification form shall be considered complete and a certificate of compliance shall be issued to the applicant. The department may only reject a self-certification form for any of the following reasons:

(1) The form is incomplete.

(2) The information contained in the form does not certify that that the applicant's highly automated vehicle or the automated driving system installed in the highly automated vehicle, as applicable, meets the requirements of this title.

(3) The form contains materially inaccurate information and the applicant is not responsive to clarifying questions.

(b) Effective period.--

(1) The department may not require renewal of a certificate of compliance issued under this subchapter.

(2) An applicant for a certificate of compliance who, prior to the effective date of this section, operated a highly automated vehicle in accordance with automated vehicle testing guidance established by the department prior to the effective date of this section, may continue to operate the highly automated vehicle without a certificate of compliance on highways pending the review of a self-certification form if the following criteria are met:

(i) The applicant has submitted a self-certification form for a certificate of compliance to the department.

(ii) The department has not denied the self-certification form.

(iii) The department has not issued a notice, in writing, to the applicant prohibiting continued HAV operation while the department reviews the self-certification form.

(iv) The highly automated vehicle is operated in accordance with this subchapter.

(c) Duty of certificate holders.--A certificate holder shall continue to provide information or records that may be required by the department and reasonably necessary for the administration and enforcement of this subchapter. By order of the secretary, a certificate holder shall provide information or records if there is a specific safety concern.

§ 8508. Operation requirements.--

(a) General rule.--A certificate holder may operate, subject to the operation requirements of this section, a highly automated vehicle with or without a highly automated vehicle driver on a highway in this Commonwealth.

(b) Driverless operation.--A highly automated vehicle may operate on a highway without a highly automated vehicle driver, subject to the following:

(1) The ADS must be engaged.

(2) The HAV must be capable of operating in compliance with applicable traffic and motor vehicle safety provisions of this title, unless the exemption has been granted by the department.

(3) If a failure of an ADS occurs which renders the ADS unable to perform the entire DDT within the intended ODD, the highly automated vehicle must achieve a minimal risk condition.

(c) Operation with driver.--A highly automated vehicle may operate on highway with a highly automated vehicle driver, subject to the following:

(1) A highly automated vehicle driver may control all or part of a highly automated vehicle's DDT.

(2) If a failure of an ADS renders the ADS unable to perform the entire DDT within the intended ODD, the highly automated vehicle or the highly automated vehicle driver must achieve a minimal risk condition.

(d) Vehicle markings.-- The following shall apply:

(1) When required under Federal law or regulation, a highly automated vehicle shall bear any required manufacturer's certification labels indicating that the highly automated vehicle has been certified to be in compliance with all applicable Federal motor vehicle safety standards, including reference to any exemption granted by the National Highway Traffic Safety Administration.

(2) In consultation with the State Police, the department shall establish standards for an external-facing visual identifier for a certificate holder's highly automated vehicle that provides owner, vehicle and financial responsibility information for reportable and nonreportable accidents.

(e) HAV drivers.--A highly automated vehicle driver shall be properly licensed under this title to operate the appropriate type and class of motor vehicle.

(f) Insurance and liability.--The following shall apply:

(1) A certificate holder of a highly automated vehicle shall maintain the ability to respond in damages for liability on account of accidents arising out of the maintenance or use of a highly automated vehicle and in the minimum amount of \$1,000,000 per accident for death, bodily injury and property damage to a third party. The financial responsibility required under this subsection shall be evidenced by insurance placed with either an insurer that has obtained a certificate of authority under section 208 of the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, or a surplus lines insurer eligible under section 1605 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, or through any other form, including self-insurance, acceptable to and approved by the department, in consultation with the Insurance Department. Financial responsibility satisfying the requirements of this subsection shall be deemed to satisfy the financial responsibility requirements for a motor vehicle under Chapter 17 (relating to financial responsibility).

(2) The financial responsibility under this subsection shall be in addition to any financial responsibility requirements under 66 Pa.C.S. Ch. 26 (relating to transportation network service) or 53 Pa.C.S. Ch. 57A (relating to transportation network companies) if a highly automated vehicle provides a transportation network service.

(g) Low-speed HAVs.--

(1) A low-speed HAV may not be operated on a highway with a posted speed limit greater than 35 miles-per-hour, except when:

(i) the low-speed HAV is engaged in a legal crossing of the highway; or

(ii) the low-speed HAV is permitted, by order of the secretary, to be operated on the highway.

(2) A low-speed HAV may not be operated on a freeway.

(3) As used in this subsection, the term "low-speed HAV" shall mean a highly automated vehicle that is in compliance with the Federal safety standards established in 49 CFR 571.500 (relating to standard number 500; low-speed vehicles), including any exemptions by the National Highway Traffic Safety Administration, and designed to be operated without an occupant and used to

transport goods. The term does not include a neighborhood electric vehicle and shall be considered by the department as a passenger car or truck for the purposes of title and registration, in accordance with section 1106 (relating to content and effect of certificate of title).

(h) HAV title required.--A highly automated vehicle may not operate on a highway in this Commonwealth unless the vehicle is titled as a highly automated vehicle in accordance with section 1106 or under the laws or regulations of another jurisdiction of the United States.

(i) Notice.--A certificate holder shall notify in writing the governing body of the municipality of the intent to operate a highly automated vehicle within the boundaries of the municipality at least 10 days prior to commencing operations.

§ 8509. Commercial operation.

(a) Motor carriers.--A highly automated vehicle that is also a motor carrier vehicle that requires a commercial driver's license under section 1606 (relating to requirement for commercial driver's license) may operate on highways as a motor carrier with or without a highly automated vehicle driver. A highly automated vehicle operated without a highly automated vehicle driver shall operate under Federal and State law or regulation governing the operation of commercial vehicles and drivers, except provisions that by their nature reasonably apply only to a driver shall not apply to a highly automated vehicle.

(b) Applicability of Public Utility Code.--

(1) The provisions 66 Pa.C.S. (relating to public utilities) shall apply to a certificate holder and the certificate holder's highly automated vehicles, except for provisions that by their nature reasonably apply only to a driver shall not apply to a highly automated vehicle.

(2) Except as provided for in paragraph (3), nothing contained in this subchapter shall be construed to prohibit the Pennsylvania Public Utility Commission from requiring an authorization, license or approval from a certificate holder for the operation of a highly automated vehicle if the authorization, license or approval requirement is consistent with 66 Pa.C.S. and does not discriminate against a highly automated vehicle.

(3) Notwithstanding paragraph (2), the Pennsylvania Public utility Commission may not require an authorization, license or approval from a certificate holder if the certificate holder:

(i) is not directly providing a commercial service regulated by the Pennsylvania Public Utility Commission; and

(ii) is only providing a highly automated vehicle to another person that holds an authorization, license or approval from the Pennsylvania Public Utility Commission for use in a commercial service regulated by the Pennsylvania Utility Commission.

(4) Except as provided for in subsection (c), a transportation network company licensed by the Pennsylvania Public Utility Commission may utilize a certificate holder's highly automated vehicle to provide transportation network services under 66 Pa.C.S. Ch. 26 (relating to transportation network service).

(c) Cities of the first class.--

(1) A transportation network company licensed by a parking authority of a city of the first class may utilize a certificate holder's highly automated vehicle to provide transportation network services under 53 Pa.C.S. Ch. 57A (relating to transportation network companies).

(2) The provisions of 53 Pa.C.S. Ch. 57A shall apply to a highly automated vehicle as described in paragraph (1), except for provisions that by their nature do not apply to a driver of a highly automated vehicle when the highly automated vehicle is operated without a highly automated vehicle driver.

(d) Limitation.--The Pennsylvania Public Utility Commission under subsection (b) and a parking authority of a city of the first class under subsection (c) may not require, including as a requirement of an authorization, license or approval:

(1) A highly automated vehicle to be operated with a highly automated vehicle driver.

(2) Additional testing requirements for a highly automated vehicle.

(3) Operational standards for a highly automated vehicle that are substantially dissimilar to operational standards for a motor vehicle operating without an automated driving system.

(4) Compliance with additional standards related to a highly automated vehicle's automated driving system, ODD, DDT or DDT fallback.

(e) Commercial restrictions.--A highly automated vehicle may not:

(1) be operated as a school bus or school vehicle; or

(2) carry hazardous materials as defined in section 102 (relating to definitions) provided, however, that this prohibition does not apply to transporting articles and substances prepared in accordance with 49 C.F.R. 172.315 (relating to limited quantities) or that otherwise do not require placarding pursuant to the Federal Hazardous Materials Regulations (49 C.F.R. Part 100 et seq.), unless the certificate holder receives certification from the department following the promulgation of regulations.

§ 8510. Local governance.

(a) Local preemption.--This subchapter preempts and supersedes all ordinances, policies and rules of a local authority relating to highly automated vehicles.

(b) Construction.--

(1) Nothing in subsection (a) shall be construed to prohibit local authorities on streets or highways within their physical boundaries from the reasonable exercise of their police powers specified in section 6109 (relating to specific powers of department and local authorities), provided that the exercise of the police powers does not specifically burden or discriminate against highly automated vehicles.

(2) An ordinance, policy or rule that affects the operation of the highly automated vehicle as a member of a type or class of vehicle, motor vehicle or traffic shall not be a violation of subsection (a).

§ 8510.1. Enforcement and penalties.

(a) Enforcement of title.--

(1) The certificate holder is considered a driver of a highly automated vehicle for the purpose of assessing compliance under any provision of this title relating to a driver of a vehicle or motor vehicle, subject to the following:

(i) If a police officer charges for a violation of this title, the police officer shall charge the certificate holder for any applicable offense.

(ii) If there is no HAV driver on board, the requirements of this title relating to exhibiting a driver's license and registration card are satisfied if a vehicle registration card is in the highly automated vehicle and physically or electronically available for inspection by a police officer.

(2) (Reserved).

(b) Enforcement by department.--

(1) The department may only suspend or limit a certificate of compliance for the following reasons:

(i) The certificate holder's highly automated vehicle or automated driving system does not meet the applicable requirements of this subchapter.

(ii) The certificate holder submitted materially false information on the self-certification form submitted to the department under section 8506 (relating to self-certification).

(2) The department may only revoke a certificate of compliance for the following reasons:

(i) The certificate holder knowingly operated a highly automated vehicle during a time period when the certificate holder's certificate of compliance was suspended under paragraph (1).

(ii) The certificate holder knowingly operated a highly automated vehicle in a manner that violated a certificate of compliance limitation established by the department under paragraph (1).

(iii) The certificate holder was convicted of any of the following violations with respect to a violation of this title by the certificate holder's highly automated vehicle when the ADS was engaged and no highly automated vehicle driver was on board or in a remote location:

(A) Section 3732 (relating to homicide by vehicle).

(B) Section 3732.1 (relating to aggravated assault by vehicle).

(3) Nothing contained in this subchapter shall be construed to allow the department to suspend, limit or revoke a certificate of compliance except for the instances specifically authorized in paragraphs (1) and (2).

(4) The department shall provide a notice and an opportunity for an administrative hearing to a certificate holder whose certificate of compliance is suspended, limited or revoked under paragraphs (1) and (2).

(c) Penalties.--

(1) Except as provided for in paragraphs (2) and (3), a certificate holder that violates a provision of this subchapter shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$25 and not more than \$1,000.

(2) Except as provided for in paragraph (3), a person that violates section 8504 (relating to certificate of compliance required) shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$500.

(3) A person that knowingly violates section 8504 and whose certificate of compliance was suspended or revoked by the department shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$1,000.

(4) A certificate holder that violates a provision of this title in which the penalty is a misdemeanor or felony shall be subject to 18 Pa.C.S. § 307 (relating to liability of organizations and certain related persons).

§ 8510.2. Regulations and guidelines.

(a) General rule.--In order to facilitate the prompt implementation of this subchapter, the department shall promulgate regulations or publish guidelines that are consistent with:

(1) This title.

(2) Federal law or regulations relating to highly automated vehicles.

(b) Temporary regulations.--Notwithstanding any other provision of law, and subject to subsection (d), regulations promulgated by the department under this subchapter during the two years following the effective date of this section shall be deemed temporary regulations, which shall expire no later than three years following the effective date of this section or upon promulgation of final regulations. The temporary regulations shall not be subject to:

(1) Section 612 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(2) Sections 201, 202, 203, 204 and 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(3) Sections 204(b) and 301(10) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(4) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(c) Publication.--The department shall transmit temporary regulations promulgated under subsection (b) to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(d) Consultation and public comment.--Prior to promulgating regulations, temporary regulations or publishing guidelines and policies under this subchapter, the department shall consult with the advisory committee in a public meeting. The department shall conduct a 10-day public comment period before promulgating temporary regulations or publishing guidelines, and the department shall adhere to the public comment period under the Regulatory Review Act before promulgating regulations.

§ 8510.3. Confidential records.

(a) General rule.--Information, data or records obtained by the department under this chapter shall not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, if:

(1) The information, data or records constitute or reveal a trade secret or confidential proprietary information.

(2) Disclosure of the information, data or records could affect the safe operation of highly automated vehicles.

(b) Disclosure.--Except for information, data or records not subject to disclosure under the Right-to-Know Law or under subsection (a), the department shall provide the information in the certificate of compliance, accident information consistent with section 3746 (relating to immediate notice of accident to police department) or the data and information collected under section 8506(b) (relating to self-certification) to any requesting municipality where a highly automated vehicle is operating.

§ 8510.4. Appeals.

A certificate holder may appeal an action taken by the department under this subchapter in accordance with 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action).

§ 8510.5. Interstate agreements.

(a) Agreements authorized.--The department may negotiate one or more interstate agreements on behalf of the Commonwealth with regulatory agencies of other states for the interstate operation of highly automated vehicles and platoons approved for operation in the Commonwealth under this chapter and for highly automated vehicles and platoons approved for operation in states that are parties to the agreement.

(b) Approval required.--An interstate agreement negotiated by the department under subsection (a) shall become effective upon approval by the Governor.

(c) Regulations.--The department may promulgate regulations governing the interstate operation of highly automated vehicles and platoons consistent with this chapter and the interstate agreement.

(d) Limitation.--The following shall apply:

(1) An interstate agreement shall only be approved by the Governor if permitted under Federal law or regulation and shall be consistent with Federal law or regulation.

(2) An interstate agreement shall ensure that every highly automated vehicle operated within this Commonwealth under the agreement is insured or self-insured in the minimum amount as required by this subchapter.

Section 10. Chapter 85 of Title 75 is amended by adding a subchapter to read:

SUBCHAPTER D

OTHER AUTOMATED VEHICLES

Sec.8531. Highly automated work zone vehicles.8532. Platooning.§ 8531. Highly automated work zone vehicles.

The department or the Pennsylvania Turnpike Commission, as applicable, shall authorize locations in this Commonwealth on a periodic basis where a highly automated work zone vehicle may be deployed. A driver may be required in a highly automated work zone vehicle when used in an active work zone.

§ 8532. Platooning.

(a) General rule.--The department shall be the lead Commonwealth agency on platooning.

(b) Exception.--Nonlead vehicles in a platoon shall not be subject to section 3310 (relating to following too closely).

(c) Visual identifier.--Each vehicle in a platoon shall be marked with a visual identifier on the power unit. The department, after consultation with the Pennsylvania State Police and the Pennsylvania Turnpike Commission, shall establish the criteria and placement of the visual identifier.

(d) Restrictions.--A platoon shall observe the following restrictions:

(1) A maximum of three vehicles shall be in a platoon.

(2) Vehicles in a platoon shall travel only on limited-access highways or interstate highways, unless otherwise permitted by the department or the Pennsylvania Turnpike Commission, as applicable.

(3) The department or the Pennsylvania Turnpike Commission, as applicable under paragraph (2), may restrict vehicle movement under this section for operational or safety reasons, including emergency conditions.

(4) Except as provided under paragraph (5), a driver shall be in each vehicle of a platoon.

(5) Consistent with applicable Federal or State law and regulations, the lead vehicle may operate with a driver and one nonlead vehicle may operate with an ADS engaged with or without a driver.

(e) Plan for general platoon operations.--

(1) A person may operate a platoon on a highway of this Commonwealth if the person files a plan for general platoon operations with the department, in consultation with the Pennsylvania State Police and the Pennsylvania Turnpike Commission, as applicable.

(2) If the plan is not approved, rejected or additional information requested by the department within 30 days after receipt of the plan, the plan shall be deemed approved and the person may operate the platoon.

Section 11. This act shall take effect as follows:

- (1) This section shall take effect immediately.
- (2) The amendment of 75 Pa.C.S. § 1106(b) shall take effect in one year.
- (3) The addition of 75 Pa.C.S. § 3723 shall take effect in 60 days.
- (4) The addition of 75 Pa.C.S. § 8510.2 shall take effect immediately.
- (5) The remainder of this act shall take effect in 240 days.

Copyright © 2025 State Net